

**REMARKS**

Claims 1-23 and 25-38 are pending in the application. By this Amendment, claims 20, 23 and 31-35 are amended, claim 24 is canceled without prejudice and claims 36-38 are added. Reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks is respectfully requested.

**FORMAL MATTERS**

The Office Action objects to the Abstract. By this Amendment, the original Abstract is replaced with a Substitute Abstract. Withdrawal of the objection is respectfully requested.

**THE ELECTION REQUIREMENT**

The Office Action withdraws claims 22, 25 and 32 from consideration as directed to a non-elected species. To the extent the Examiner finds generic independent claims 16 and 30 allowable, rejoinder and examination of claims 22, 25 and 32 is respectfully requested.

**CLAIMS 16-21, 23, 24, AND 26-31 ARE ALLOWABLE OVER NAM**

The Office Action rejects claims 16-21, 23, 24, 26-31 and 33-35 under 35 USC §102(b) over Nam et al. ("Nam"). As noted above, claim 24 has been canceled. With respect to the remaining claims, the rejection is respectfully traversed.

The Nam reference discloses a food storage container which includes a refrigeration device. The refrigeration device includes a plurality of coolant pipes 20 which wrap around the exterior of an inner liner 14. Nam discloses that a temperature sensor 26 can also be attached to the exterior side of the liner 14.

Nam discloses multiple different embodiments of a fixing bracket 30 which can be used to hold a temperature sensor 26 against the exterior side of the inner liner 14. In each of the embodiments, opposite ends of the bracket 30 engage with two adjacent portions of the coolant line 20. The fixing bracket 30 includes a rectangular shaped sensor housing portion 32 which is intended to surround three sides of a temperature sensor 26 having a square or rectangular cross-sectional shape. The remaining fourth side of the temperature sensor is engaged with the flat outer surface of the inner liner 14.

An outer wall 10 of the refrigeration device is spaced apart from the upper surface of the fixing bracket 30 and the associated temperature sensor and coolant lines. The space between the inner surface of the outer wall 10 and the upper surfaces of the fixing bracket is filled with an expandable foam insulating material 12.

Independent claim 16 is directed to a heat exchanger for a refrigeration device. Claim 16 recites a base plate, a tubular pipe for a coolant attached to the base plate, and a sleeve arranged on the base plate for receiving a temperature sensor. Claim 16 also recites that the sleeve is fixed on a surface of the base plate by at least one brace which is connected to the sleeve and which engages on the tubular coolant pipe.

Independent claim 30 is directed to a refrigeration device. Claim 30 recites features highly similar to those recited in claim 16.

It is respectfully submitted that the Nam reference lacks a sleeve as recited in independent claims 16 and 30. These claims recite that the sleeve is arranged on the base plate for receiving a temperature sensor and that the sleeve is fixed on a surface of the base plate by at least one brace. As explained above, in the Nam reference there is no sleeve which is fixed on a surface of said base plate. Instead, Nam discloses that a three-sided rectangular shaped sensor housing portion of the fixing bracket surrounds only three sides of a temperature

sensor. The Nam device relies upon the inner liner of the refrigerator to hold the fourth side of the temperature sensor. Thus, Nam fails to disclose a sleeve for receiving a temperature sensor as recited in claims 16 and 30. Because the Nam reference lacks the above described features of independent claims 16 and 30, it is respectfully submitted that these claims are allowable.

Claims 17-23 and 25-29 depend from claim 16. Claims 31-35 depend from claim 30. It is respectfully submitted that the dependent claims are allowable over Nam for all the reasons discussed above in connection with claims 16 and 30, and for the additional features which they recite.

For instance, claim 20 depends from claim 16 and further recites that the sleeve and the brace are formed from a sheet metal blank of flat material. Claim 20 also recites that the sleeve is produced by rolling an end of the flat material to form a generally cylindrical sleeve. As explained above, the Nam reference lacks a generally cylindrical sleeve which is formed by rolling an end of a flat plate of a material. It is respectfully submitted that claim 20 is allowable over Nam for these additional reasons.

Claims 23 and 33 depend from claim 16 and further recite that the heat exchanger includes at least two braces connected to the sleeve, wherein the at least two braces extend out from the same side of the sleeve in the same direction. An embodiment as recited in claims 23 and 33 is illustrated in Fig. 3 of the present application. As shown therein, two braces 8 extend out from the same side of the sleeve 7 in the same direction. As explained above, the Nam reference lacks two braces which extend out from the same side of the sleeve in the same direction. It is respectfully submitted that claims 23 and 33 are allowable over Nam for these additional reasons.

Claim 26 depends from claim 16 and recites that the tubular pipe bears a marking at the point of application of the brace. The marking on the tubular pipe makes it easy for a person assembling the heat exchanger to locate the brace at

the proper location along the tubular pipe. Nam lacks any such similar features. Accordingly, it is respectfully submitted that claim 26 is allowable over Nam for these additional reasons.

Claim 28 depends from claim 16 and recites that the tubular pipe and the sleeve are enclosed between the base plate and a film of deformable material. Claim 35 depends from claim 30 and recites similar features. Claim 29 depends from claim 28 and further recites that the film is formed from at least one of bitumen, a plastic material or aluminum, or a mixture thereof. As explained above, the Nam device lacks a film of a deformable material which encloses the tubular pipe and the sleeve. Instead, Nam's sensor fixing bracket 30 is surrounded by expandable foam. It is respectfully submitted that claims 28, 29 and 35 are allowable over Nam for these additional reasons.

#### **NEW CLAIMS 36-38**

By this Amendment, claims 36-38 are added to the application. Claims 36 and 37 depend from claim 23, and claim 38 depends from claim 33.

Claim 36 depends from claims 16 and 23 and is allowable for all the reasons given above for those two claims. In addition, claim 36 recites that the two braces engage the same section of a tubular coolant pipe. As explained above, in the Nam reference, the fixing bracket includes two extending flanges 36a/36b which extend away from the sensor housing 32 in opposite directions. As a result, the two extending flanges of the Nam bracket engage different portions of a tubular coolant pipe. It is respectfully submitted that claim 36 is allowable for these additional reasons.

Claim 37 depends from claims 16 and 23, and claim 38 depends from claims 30 and 33. It is respectfully submitted that claims 37 and 38 are allowable for all the reasons given above for those claims. In addition, claims 37 and 38 recite that the sleeve and the at least two braces are part of a bracket, and that

an aperture is formed in the bracket between the at least two braces. An embodiment as recited in claims 37 and 38 is illustrated in Fig. 3 of the application. As shown therein, an aperture is formed in between the two braces 8. This allows a portion of an overlying deformable film that is located in the aperture to directly contact an adhesive layer formed on the base plate in that location. This helps to better attach the overlying film of deformable material to the underlying base. As explained above, Nam lacks any such features. Accordingly, it is respectfully submitted that claims 37 and 38 are allowable over Nam for these additional reasons.

### **CONCLUSION**

In view of the above, entry of the present Amendment and allowance of the application are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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